IN THE HIGH COURT OF JUDICIATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.972 OF 1998

The Commissioner of Income-tax,
Bombay V .. Applicant.
V/s.
M/s.Golden Chemicals Pvt.Ltd. .. Respondent.

Mr.Parag Vyas with Mr.Ashok Kotangale & Mr.A.S. Rao for the applicant.
Mr.S.J. Mehta for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.
DATED : 18TH OCTOBER, 2005.

P.C. :

1. Heard the learned counsel for the applicant. The Tribunal has referred following question for the opinion of this Court reading as under :-

Whether on the facts and in the circumstances of the case, the Tribunal was right in law in directing that the quantum of deduction allowable to the assessee u/s.80J of the I.T. Act, be recomputed by including, in the capital employed, the capital work-in-progress, which has yet not become assets of the business within the meaning of sub-clause (iii) of clause (II) of sub-section (1A) of section 80J ?

2. Both the learned counsel for the parties fairly submits that the above question has already been answered by the Division Bench of this Court in the case of CIT V/s. Indian Organic Chemicals Ltd. [(1999) 107 Taxman 504 (Bom)] in favour of the assessee and against the revenue. In this view of the matter, question stands answered in affirmative for the reasons stated in the case cited supra. Reference, accordingly stands disposed of with no order as to costs.

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